

# EXHIBIT D

**AFFIDAVIT AND APPLICATION FOR A SEARCH WARRANT**

FILED IN OFFICE  
CLERK SUPERIOR COURT  
CLARKE COUNTY, GEORGIA

In the Superior Court of Athens-Clarke County  
State of Georgia

2021 APR 15 PM 4:07

BEVERLY LOGAN, CLERK  
CLARKE COUNTY, GEORGIA

Docket # 8021 SW0002

CB DOCKET INITIALS

The undersigned, Sergeant L.D. Frost, being duly sworn, deposes and says:

I am an officer of the State of Georgia or its political subdivision charged with the duty of enforcing the criminal laws, and that I have reason to believe that in Athens-Clarke County, Georgia, on/in the following described property...

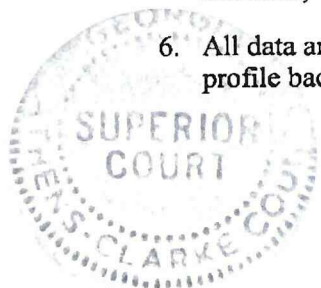
Information associated with the below listed accounts stored at premises owned, maintain, controlled, or operated by Instagram, LLC ("Instagram") a social networking company owned by Facebook, Inc., 1601 Willow Road, Menlo Park, CA 94025, and headquartered in San Francisco, California.

Instagram Account name: [https://www.instagram.com/stunt\\_devasi](https://www.instagram.com/stunt_devasi)

**For the below reasons, Affiant has probable cause to believe that there is now contained:**

To the extent that the information is within the possession, custody, or control of Instagram, LLC, including any messages, records, files, logs, or information that have been deleted but are still available to Instagram, LLC, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Instagram, LLC is required to disclose the following information to the government for each account listed above:

1. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
2. All past and current usernames associated with the account;
3. The dates and times at which the account and profile were created, and the Internet Protocol ("IP") address at the time of sign-up;
4. All activity logs including IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
5. All information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;
6. All data and information associated with the profile page, including photographs, "bios," and profile backgrounds and themes;



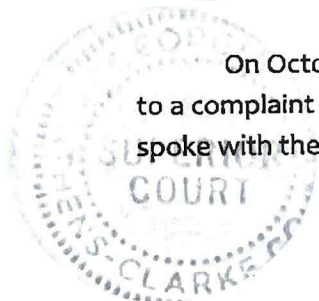
Callie Bennett, Deputy Clerk  
Office of Superior & State Courts  
for Athens-Clarke County

STATE OF GEORGIA  
COUNTY OF ATHENS-CLARKE  
I, Beverly Logan, Clerk of Superior Court in and for said county do hereby Certify that the within is a true and Correct copy of the original document as it appears on file in this office. Witness my official Seal and signature of the Superior Court this  
15 day of April, 20 21  
Callie Bennett, Deputy Clerk  
Athens-Clarke County Superior/State Court

Gang Investigations and Intermediate Certification in Gang Investigations through the GGIA. Prior to being assigned to the F.B.I. Middle Georgia Safe Streets Gang Task Force, Affiant was assigned as an investigator to at the Northeast Georgia Regional Drug Task Force for approximately thirteen years and conducted numerous felony investigations to include homicides, robberies, drug distribution, and other gang motivated crimes. Affiant holds special deputations with the United States Marshal's Service and the Federal Bureau of Investigation. Affiant has participated in all aspects of violent crime/fugitive investigations, including but not limited to conducting physical surveillance, execution of search warrants, arrest warrants, interviews involving defendants of drug, gang, and violent crime investigations. This Affiant has also analyzed telephone records, records associated with email accounts and social media sites, financial records, and other pertinent records associated with a variety of criminal investigations. Additionally, your Affiant has been involved in over 1000 investigations of narcotic enforcement from street level enforcement to large scale organizations including working as an undercover agent. Affiant has developed investigations and assisted in investigations that were prosecuted on the State level as well as the Federal level to include complex wiretap investigations. Affiant has testified as an expert in narcotic related investigations in the Superior Court system of Georgia and the Federal Court system in the Middle District of Georgia.

On September 23, 2020 Officers from the Athens-Clarke County Police Department responded to a reported aggravated assault incident where an individual fired three shots from a pistol at two individuals attempting to repossess a car. Officers spoke with the victims and learned that the two subjects were attempting to repossess a white 2011 Honda at approximately 2:30 am. The victims stated that the white Honda was equipped with a GPS tracking device and that they utilized that device to locate the vehicle during this incident. The victims believed that the car was unoccupied and approached it on foot. As they neared the Honda, they observed that it was occupied by a driver. They identified themselves and stated that the car was being repossessed. The driver of the Honda drove away a sort distance, almost striking the two victims. The driver then stopped the Honda in the roadway and fired three shots from the driver's side window at the victims. The Honda then fled the area. A short time later a uniformed Patrol officer from the Athens-Clarke County Police Department observed the white Honda traveling south on US Hwy 441 (verified by the temporary tag and the GPS tracking device) and attempted to conduct a traffic stop. The white Honda fled and after a brief vehicle pursuit, the driver of the white Honda fled on foot into Bethel Midtown Village. Officers located multiple items addressed to Cedric Mercery inside the white Honda. The Officer that pursued the individual on foot positively identified that individual as Cedric Mercery. As a result of this incident, Warrants were obtained for Cedric Mercery for Aggravated Assault.

On October 16, 2020 Officers from the Athens-Clarke County Police Department responded to a complaint about a domestic dispute at 160 Martin Court, Athens Georgia. On arrival, Officers spoke with the victim and determined that earlier on the same day, Cedric Mercery and the victim





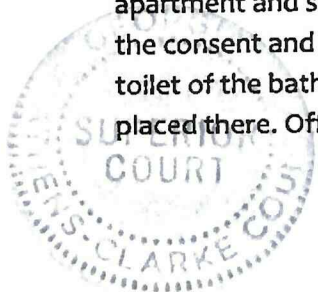
were engaged in an argument at another location. During this argument, Cedric Mercery choked the victim, beat her in the face, refused to allow her to leave the residence for over 11 hours, pointed a pistol at her and tried to place his penis in her mouth. As a result of this incident, arrest warrants were signed for Cedric Mercery for the following crimes, Aggravated Assault, Aggravated Assault by strangulation, Attempted Aggravated Sodomy, Possession of a firearm during a felony and possession of a firearm by a convicted felon. Additionally, the victim in this incident described the pistol in Mercery's possession as being equipped with an extended magazine and a "beam". Affiant believes that the "beam" reference is referring to a laser or light.

On October 21, 2020 Task Force Agent Dana Frost was in contact with a confidential source of the Federal Bureau of Investigation. This source has provided information to Frost that has resulted in the seizure of illegal drugs. On this occasion the confidential source told Frost that it was aware that an individual it knows as Stunt is wanted by law enforcement. The confidential source further identified Stunt as Cedric Mercery. The confidential source provided (706) 380-9477 as Mercery's phone number. Additionally, the same said source told Frost that Mercery was currently located in Rocksprings Homes and provided a clothing description. Officers went to the area of Rocksprings Homes and observed Mercery as he was described but were unable to take him into custody.

Affiant verified that there are active warrants for Mercery's arrest. Additionally, Affiant reviewed Cedric Demon Mercery's criminal history and determined that he is a convicted felon.

On October 26, 2020 Officers of the Athens-Clarke County Police department and the Federal Bureau of Investigation began using cellular geo-location data to locate Cedric Mercery. Earlier in the day, Law enforcement officers observed Cedric Mercery operating a chevy blazer but were unable to make contact with him. Late in the afternoon officers located the same chevy blazer parked at 155 Berlin Street. AS part of this investigation, Law Enforcement Officers attempted to make contact with the residents at Apartment C11. After speaking with the resident at this apartment, Law Enforcement Officers determined that Mercery was inside the apartment and that he was armed with a handgun. Law Enforcement Officers contained the perimeter of the building and after a short time, Mercery came out of apartment C11 and surrendered.

GBI Agent Rebecca Herold conducted an interview with the resident of apartment C11. This resident was identified as Shownica Hull. During this interview, Hull stated that Mercery did not live at the apartment nor did he stay there the previous night. Hull agreed to consent to a search of her apartment and signed a consent form. Officers conducted a search of the apartment pursuant to the consent and located the two listed cellular phones. One phone was located broken and in the toilet of the bathroom. The second phone was on the floor as if it had been thrown or haphazardly placed there. Officers also located a Glock Model 22 pistol in .40 caliber. This Glock had an extended



magazine and some type of visible light attached to it. Lastly, Officers located a piece of burnt aluminum foil with brown material on it. This brown material field tested positive for heroin and it appeared to officers that this aluminum foil was being used to ingest heroin. Hull denied ownership of the two listed phones, the Glock 22 with extended magazine and attached light and the aluminum foil.

Affiant has reviewed Instagram Account name: [https://www.instagram.com/stunt\\_devasi](https://www.instagram.com/stunt_devasi), Affiant believes that Instagram account name of stunt\_devasi belongs to Cedric Demon Mercery. Affiant is familiar with Mercery and observed that he has multiple photos showing him under this account.

Based on Affiant's review of [https://www.instagram.com/stunt\\_devasi](https://www.instagram.com/stunt_devasi), Affiant observed that Mercery posted videos with what appears to be large sums of money. Affiant also observed that Mercery posted videos on his story of himself discussing committing acts of violence such as robbery to get money and illegal drugs.

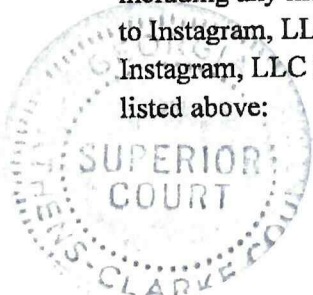
Based on Affiant's experience and training, Affiant knows that individuals involved in the purchasing, use, and distribution of illegal drugs will use social media such as Instagram to communicate with suppliers and customers.

Based on Affiant's experience and training, Affiant knows that individuals involved in the purchasing, use, and distribution of illegal drugs will often use the messaging feature of Instagram to arrange meetings, discuss amounts and prices of illegal drug sales and conduct other drug related business.

Based on Affiant's experience and training, Affiant knows that individuals involved in the purchasing, use, and distribution of illegal drugs often use Instagram to contact suppliers and customers, and often keep names or Instagram "handles" associated with their Instagram account.

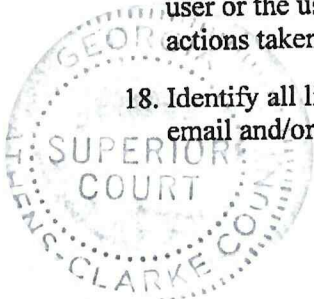
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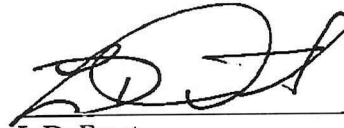




1. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
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6. All data and information associated with the profile page, including photographs, "bios," and profile backgrounds and themes;
7. All communications or other messages sent or received by the account
8. All user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other content October 26, 2019 until October 26, 2020
9. All photographs and images in the user gallery for the account October 26, 2019 until October 26, 2020
10. All location data associated with the account, including geotags October 26, 2019 until October 26, 2020
11. All data and information that has been deleted by the user October 26, 2019 until October 26, 2020
12. A list of all of the people that the user follows on Instagram and all people who are following the user (*i.e.*, the user's "following" list and "followers" list), as well as any friends of the user;
13. A list of all users that the account has "unfollowed" or blocked;
14. All privacy and account settings;
15. All records of Instagram searches performed by the account, including all past searches saved by the account October 26, 2019 until October 26, 2020
16. All information about connections between the account and third-party websites and applications; and,
17. All records pertaining to communications between Instagram, LLC and any person regarding the user or the user's Instagram account, including contacts with support services, and all records of actions taken, including suspensions of the account.
18. Identify all linked by machine cookie data, as well as all other accounts associated by recovery email and/or phone number.




I swear or affirm that all of the information contained in this Affidavit and all other testimony given by me under oath is true to the best of my knowledge and belief.



L.D. Frost  
FBI Task Force Agent  
Athens-Clarke County Police Department

Sworn to and subscribed to before me this 16 day of November, 2020, at 1035 (A.M.) (P.M.).



Judge, Superior Court  
Athens-Clarke County  
State of Georgia

